

**STERN  
SHAPIRO  
WEISSBERG  
& GARIN LLP**  
attorneys at law

**RECEIVED**

**JAN 13 2014**

OFFICE OF THE REGIONAL ADMINISTRATOR

Max D. Stern  
Jonathan Shapiro  
Lynn G. Weissberg  
Patricia Garin  
Martin E. Levin  
Nora J. Chorover  
Jeffrey P. Wiesner  
Paul S. Sennott  
Kathryn Beaumont  
John Cushman

Of Counsel  
John Taylor Williams  
David L. Kelston

January 10, 2014

**BY CERTIFIED MAIL**

William F. Sullivan, Jr.  
(President and Registered Agent)  
William F. Sullivan & Co., Inc.  
14 Eastwood Drive  
Southampton, MA 01073  
Certified Mail # 7011 1150 0000 0301 2785

William F. Sullivan, Jr.  
(President and Registered Agent)  
William F. Sullivan & Co., Inc.  
107 Appleton Street  
Holyoke, MA 01040  
Certified Mail # 7011 1150 0000 0301 2778

Re: 60-Day Notice of Violations and Intent to File Suit Regarding Noncompliance  
with Federal Clean Water Act's Industrial Stormwater Discharge Requirements:  
107 Appleton Street, Holyoke, MA

Dear Mr. Sullivan:

This office represents Clean Water Action, a national non-profit citizens' organization working for prevention of pollution in the nation's waters, protection of natural resources, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work. Clean Water Action has over one million members nationally, more than 50,000 of whom reside in Massachusetts.

William F. Sullivan & Co., Inc. ("Sullivan") submitted a Notice of Intent ("NOI") to be covered by EPA's reissued Multi-Sector General Stormwater Permit for Stormwater Discharges Associated with Industrial Activity ("General Permit") on February 23, 2010.<sup>1</sup> The company has violated and continues to violate the permit's terms and conditions.

---

<sup>1</sup> The General Permit was first issued in 1995 and was reissued in 2000 and 2008. 60 Fed. Reg. 50804 (Sept. 29, 1995); 65 Fed. Reg. 64746 (Oct. 30, 2000); 73 Fed. Reg. 56572 (Sept. 29, 2008). The General Permit expired on September 29, 2013, but has been administratively continued by its own terms. See General Permit, pg. 9.

William F. Sullivan & Co., Inc.

1/10/2014

Page 2

We write to give notice that Clean Water Action intends to file a civil action in the United States District Court for the District of Massachusetts under section 505 of the Federal Clean Water Act (the “Act”). The subject of the action will be Sullivan’s unlawful discharge of stormwater from its scrap recycling and waste recycling facility at 107 Appleton Street, Holyoke, MA (the “Facility”). According to Sullivan’s Notice of Intent, stormwater runoff from the Facility is discharged into the City of Holyoke’s storm sewer system, and ultimately to the Connecticut River.

## **BACKGROUND**

Activities that take place at industrial facilities, such as material handling and storage, are often exposed to the weather. As runoff from rain or snowmelt comes into contact with these materials, it picks up pollutants and transports them to nearby rivers, lakes, or coastal waters and tributaries thereto, including but not limited to storm sewer systems, wetlands, and other surface waters. Stormwater pollution is a significant source of water quality problems for the nation’s waters.

The following are *some* of the activities, pollutant sources and pollutants that are or may be present with Sullivan’s scrap recycling and waste recycling processes:

Activity	Pollutant Source	Pollutant
Stockpiling and storage of materials (including loading and unloading)	Leaking of various fluids from used automotive engines, radiators, brake fluid reservoirs, transmission housings, other vehicle parts, and lead-acid from batteries; Deterioration/corrosion of materials	PCBs; oil and grease; lubricants; paint pigments or additives; heavy metals; ionizing radioactive isotopes; transmission and brake fluids; fuel; battery acid; lead acid; antifreeze; benzene; chemical residue; heating oil; petroleum products; solvents; ionizing radioactive isotopes; infectious/bacterial contamination; asbestos; metals; total Kjeldahl nitrogen (TKN); oily wastes; chemical residue

<b>Activity</b>	<b>Pollutant Source</b>	<b>Pollutant</b>
Material processing: Combustion engines	Spills and/or leaks from fuel tanks; spills/leaks from oil/hydraulic fuel reservoirs; faulty/leaking hose connections; worn gaskets; leaking transmissions, crankcases, and brake systems (if applicable); leaking battery casings and/or corroded terminals	Accumulated particulate matter; oil/Lubricants; gas/diesel fuel; fuel additives; antifreeze (ethylene glycol); battery acid; and products of incomplete combustion
Material processing: Material handling systems (forklifts, cranes, and conveyors)	Spills and leaks from fuel tanks, hydraulic and oil reservoirs due to malfunctioning parts (e.g., worn gaskets and parts, leaking hose connections, and faulty seals). Damaged or faulty electrical switches (mercury filled). Damaged or leaking battery casings, including exposed corroded battery terminals. Damaged or worn bearing housings.	Hydraulic fluids; oils, fuels and fuel additives; grease and other lubricants; accumulated particulate matter; chemical additives; mercury; lead; battery acid.
Material processing: Stationary scrap processing facilities (balers, briquetters, shredders, shearers, compactors, engine block/cast iron breakers, wire chopper, turnings crusher)	Leaks from hydraulic reservoirs, hose and fitting connections; worn gaskets; spills or leaks from fuel tanks; particulates/residue from scrap processing; malfunctioning pumps and motors (e.g., leaking gaskets, seals or pipe connections, leaking oil-filled transformer casings)	Heavy metals (e.g., zinc, copper, lead, cadmium, chromium) and hydraulic fluids; PCBs
Material processing: Hydraulic equipment and systems, balers/briquette, shredders, shearers, compactors, engine block/ cast iron breaker, wire chopper, turnings crusher	Particulate/residue from material Processing; spills and/or leaks from fuel tanks; spills/leaks from oil/hydraulic fuel reservoirs; faulty/leaking hose connections/fittings; leaking gaskets	Hydraulic fluids/oils; lubricants; particulate matter from combustion engines; PCBs (oil-filled electrical equipment components); heavy metals (nonferrous, ferrous)

<b>Activity</b>	<b>Pollutant Source</b>	<b>Pollutant</b>
Material processing: Electrical control systems (transformers, electrical switch gear, motor starters)	Oil leakage from transformers; leakage from mercury float switches; faulty detection devices	PCBs; mercury (float switches); ionizing radioactive material (fire/smoke detection systems)
Material processing: Torch cutting	Residual/accumulated particulates	Heavy metal fragments, fines
Material handling systems	Spills and/or leaks from fuel tanks; spills/leaks from oil/hydraulic fuel reservoirs; faulty/leaking hose connections/fittings; leaking gaskets	Accumulated particulate matter (ferrous and nonferrous metals, plastics, rubber, other); oil/lubricants; PCBs (electrical equipment); mercury (electrical controls); lead/battery acids
Vehicle maintenance	Parts cleaning; waste disposal of rags; oil filters; air filters; batteries; hydraulic fluids; transmission fluids; brake fluids; coolants; lubricants; degreasers; spent solvents	Gas/diesel fuel; fuel additives; oil/lubricants; heavy metals; brake fluids; transmission fluids; chlorinated solvents; arsenic
Vehicle fueling	Spills and leaks during fuel transfer; spills due to "topping off" tanks; runoff from fueling areas; washdown of fueling areas; leaking storage tanks; spills of oils; brake fluids; transmission fluids; engine coolants	Gas/diesel fuel; fuel additives; oil; lubricants; heavy metals
Vehicle and equipment cleaning and washing	Washing and steam cleaning	Solvent cleaners; oil/lubricants/additives; antifreeze (ethylene glycol)

William F. Sullivan & Co., Inc.

1/10/2014

Page 5

Clean Water Action will ask the Court to ensure Sullivan's future compliance with the Act, assess civil penalties in an appropriate amount,<sup>2</sup> award plaintiff its litigation costs, including attorney and expert fees, and award any other relief the Court deems appropriate. Clean Water Action's complaint will be filed a minimum of 60 days after the postmark date of this letter. This is a formal 60-day notice of intent to sue that is being served pursuant to 40 C.F.R., Part 135.

This notice is being provided by:

Cindy Luppi, New England Regional Co-Director  
Clean Water Action  
262 Washington Street, Suite 301  
Boston, MA 02108  
(617) 338-8131  
(617) 335-6449 (fax)

Counsel for Clean Water Action in this case are:

Nora J. Chorover  
Stern, Shapiro, Weissberg & Garin, LLP  
90 Canal Street, Suite 500  
Boston, MA 02114  
(617) 742-5800  
(617) 742-5858 (fax)

---

<sup>2</sup> The Act authorizes the Court to assess a penalty of up to \$37,500 a day for each violation. *See* 73 Fed. Reg. 75340 (Dec. 11, 2008).

William F. Sullivan & Co., Inc.

1/10/2014

Page 6

## **SULLIVAN'S VIOLATIONS AND DATES OF VIOLATIONS**

Sullivan's violations are described below and are also set forth on a Table attached as Exhibit A hereto.<sup>3</sup> The Complaint, when filed, will set forth additional days of violations that occur between the date of this letter and the date on which the Complaint is filed.

### **A. VIOLATIONS OF THE TERMS OF THE GENERAL PERMIT**

The company has violated the permit's terms, as follows:

#### **1. Failure to Comply with the Permit's Monitoring Requirements**

Sullivan is required to monitor its discharges in accordance with the specific provisions of section 6 of the General Permit (pgs. 33-40) and Appendix B, section B. This includes monitoring for benchmark parameters applicable to scrap recycling and waste recycling facilities. General Permit, section 8.N.6. Sullivan was required to monitor for the presence of pollutants in its stormwater discharges for each quarter commencing with the April 1, 2010 to June 30, 2010 quarter. Quarterly monitoring is required to continue until four consecutive quarterly samples show that the company's discharges are below EPA benchmark levels.<sup>4</sup> In addition, the General Permit states that facilities discharging into an impaired water (or into a municipal storm sewer system that discharges to an impaired water) "must monitor for all pollutants for which the waerbody is impaired and for which a standard analytical method exists." Sullivan's Notice of Intent states that on the date it was filed the Connecticut River was impaired for aquatic life due to, among other things, suspended solids and pathogens. Sullivan should have conducted annual monitoring of these parameters at each of its outfalls by, at the latest, March 31, 2011. Sullivan failed to comply with these benchmark and impairment parameter monitoring requirements. To the extent additional monitoring violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional monitoring violations. To the extent additional monitoring violations are learned

---

<sup>3</sup> Clean Water Action believes that violations have occurred on the dates identified in this letter and on Exhibit A, and not just on rain days. However, to the extent it is determined that rain days are relevant in determining the dates of violations, such rain dates through December 29, 2013 are set forth on Exhibit B hereto. The complaint, when filed, will set forth additional rain dates since that date.

<sup>4</sup> Specifically, Sullivan was required to monitor for Chemical Oxygen Demand, Total Suspended Solids, Total Recoverable Aluminum, Total Recoverable Copper, Total Recoverable Iron, Total Recoverable Lead, and Total Recoverable Zinc. See General Permit, section 8.N.

William F. Sullivan & Co., Inc.

1/10/2014

Page 7

through discovery in the action, the complaint will be amended to seek remedy for such additional monitoring violations.<sup>5</sup>

2. Failure to Comply with the Permit's Reporting Requirements.

Sullivan is required to report certain information to EPA and the Massachusetts Department of Environmental Protection (“Mass DEP”) regarding its stormwater discharges in accordance with the provisions of section 7 of the Permit. Among other things, Sullivan must submit quarterly benchmark monitoring data to EPA. See General Permit, section 7.1.<sup>6</sup> Sullivan was also required to submit its impairment pollutant reports to EPA. Benchmark and impairment pollutant monitoring reports were to have been filed with EPA 30 days following receipt of monitoring results. Sullivan failed to comply with these reporting requirements, as set forth on Exhibit A.

Sullivan is also required to prepare and submit to EPA annual reports that include findings from its annual comprehensive site inspections and documentation of corrective actions. See General Permit, section 7.2. Sullivan failed to comply with this requirement, as set forth on Exhibit A.

To the extent additional reporting violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional reporting violations. To the extent additional reporting violations are learned through discovery in the action, the complaint will be amended to seek remedy for such additional reporting violations.<sup>7</sup>

---

<sup>5</sup> Additional discovered monitoring violations may include, without limitation: failure to ensure representative sampling (General Permit, App. B, section B(1)(A), pg. B-5); failure to monitor from all facility outfalls (id., section 6.1.1, pg. 33); failure to monitor during a measurable storm event following the preceding storm by at least 3 days (id., section 6.1.3, pg. 33); failure to conduct monitoring in accordance with test procedures approved under 40 CFR Part 136 (id., App. B, section B(10), pg. B-6); or failure to sample within the first 30 minutes of a measurable storm event (id., section 6.1.4, pg. 34).

<sup>6</sup> If the data contains any exceedences of benchmarks, it must also be submitted to Mass DEP. See General Permit, Section 9.1.2.4.

<sup>7</sup> Additional discovered reporting violations may include, without limitation, failure to submit all reporting data to EPA no later than 30 days after receipt of laboratory results (General Permit, section 7.1).

William F. Sullivan & Co., Inc.

1/10/2014

Page 8

### 3. Failure to Ensure That Control Measures Minimize Pollutant Discharges

The General Permit requires Sullivan to ensure that its control measures minimize its stormwater pollutant discharges. General Permit, section 2.0 (pg. 12).<sup>8</sup> The company must modify its control measures as expeditiously as practicable whenever it finds that they “are not achieving their intended effect of minimizing pollutant discharges.” Id., section 2.1. Because the company has not been regularly monitoring its pollutant discharges as required by the permit, it cannot know how its existing control measures are performing and therefore cannot have been modifying them as necessary to minimize stormwater pollutant discharges.

This Notice Letter alleges that Sullivan failed to implement adequate control measures based on information presently available to Clean Water Action. If additional information regarding this violation becomes known to Clean Water Action in the future, the complaint may set forth some or all of such additional information.

## CONCLUSION

Clean Water Action believes this Notice of Violations and Intent to File Suit sufficiently states the basis for a civil action. During the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation. If you wish to pursue such discussions, please have your attorney contact us within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Nora J. Chorover

Attorney for  
CLEAN WATER ACTION

---

<sup>8</sup> “Minimize” means “reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.” Id.

William F. Sullivan & Co., Inc.

1/10/2014

Page 9

cc: (by certified mail)

Curt Spalding, Regional Administrator

EPA New England, Region 1,

5 Post Office Square, Ste. 100

Boston MA 02109

Certified Mail # 7011 1150 0000 0301 2761

Gina McCarthy, Administrator

US EPA Headquarters

Ariel Rios Building

1200 Pennsylvania Ave., N.W.

Washington, DC 20460

Certified Mail # 7011 1150 0000 0301 2754

Eric Holder, Attorney General

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

Certified Mail # 7011 1150 0000 0301 2747

Kenneth L. Kimmell, Commissioner

Massachusetts Department of Environmental Protection

One Winter Street

Boston, MA 02108

Certified Mail # 7011 1150 0000 0301 2730

William Sullivan, President of George Sullivan & Sons, Inc.

135 Old Cheshire Road

Lanesborough, MA 01237

Certified Mail # 7011 1150 0000 0301 2679

**EXHIBIT A**  
**WILLIAM F. SULLIVAN & SONS, CO., INC. PERMIT VIOLATIONS**

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
1	Failure to Monitor Benchmark	Total Recoverable Zinc	June 30, 2010	The present
1	Failure to Report Benchmark	Total Recoverable Zinc	July 30, 2010	The present
1	Failure to Monitor Benchmark	Total Recoverable Lead	June 30, 2010	The present
1	Failure to Report Benchmark	Total Recoverable Lead	July 30, 2010	The present
1	Failure to Monitor Benchmark	Total Recoverable Iron	June 30, 2010	The present
1	Failure to Report Benchmark	Total Recoverable Iron	July 30, 2010	The present
1	Failure to Monitor Benchmark	Total Recoverable Copper	June 30, 2010	The present
1	Failure to Report Benchmark	Total Recoverable Copper	July 30, 2010	The present
1	Failure to Monitor Benchmark	Total Recoverable Aluminum	June 30, 2010	The present
1	Failure to Report Benchmark	Total Recoverable Aluminum	July 30, 2010	The present
1	Failure to Monitor Benchmark	Total Suspended Solids	June 30, 2010	The present
1	Failure to Report Benchmark	Total Suspended Solids	July 30, 2010	The present
1	Failure to Monitor Benchmark	Chemical Oxygen Demand	June 30, 2010	The present
1	Failure to Report Benchmark	Chemical Oxygen Demand	July 30, 2010	The present
2	Failure to Monitor Benchmark	Total Recoverable Zinc	September 30, 2010	The present
2	Failure to Report Benchmark	Total Recoverable Zinc	October 30, 2010	The present
2	Failure to Monitor Benchmark	Total Recoverable Lead	September 30, 2010	The present
2	Failure to Report Benchmark	Total Recoverable Lead	October 30, 2010	The present
2	Failure to Monitor Benchmark	Total Recoverable Iron	September 30, 2010	The present
2	Failure to Report Benchmark	Total Recoverable Iron	October 30, 2010	The present
2	Failure to Monitor Benchmark	Total Recoverable Copper	September 30, 2010	The present
2	Failure to Report Benchmark	Total Recoverable Copper	October 30, 2010	The present
2	Failure to Monitor Benchmark	Total Recoverable Aluminum	September 30, 2010	The present
2	Failure to Report Benchmark	Total Recoverable Aluminum	October 30, 2010	The present
2	Failure to Monitor Benchmark	Total Suspended Solids	September 30, 2010	The present
2	Failure to Report Benchmark	Total Suspended Solids	October 30, 2010	The present
2	Failure to Monitor Benchmark	Chemical Oxygen Demand	September 30, 2010	The present
2	Failure to Report Benchmark	Chemical Oxygen Demand	October 30, 2010	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
3	Failure to Monitor Benchmark	Total Recoverable Zinc	December 31, 2010	The present
3	Failure to Report Benchmark	Total Recoverable Zinc	January 30, 2011	The present
3	Failure to Monitor Benchmark	Total Recoverable Lead	December 31, 2010	The present
3	Failure to Report Benchmark	Total Recoverable Lead	January 30, 2011	The present
3	Failure to Monitor Benchmark	Total Recoverable Iron	December 31, 2010	The present
3	Failure to Report Benchmark	Total Recoverable Iron	January 30, 2011	The present
3	Failure to Monitor Benchmark	Total Recoverable Copper	December 31, 2010	The present
3	Failure to Report Benchmark	Total Recoverable Copper	January 30, 2011	The present
3	Failure to Monitor Benchmark	Total Recoverable Aluminum	December 31, 2010	The present
3	Failure to Report Benchmark	Total Recoverable Aluminum	January 30, 2011	The present
3	Failure to Monitor Benchmark	Total Suspended Solids	December 31, 2010	The present
3	Failure to Report Benchmark	Total Suspended Solids	January 30, 2011	The present
3	Failure to Monitor Benchmark	Chemical Oxygen Demand	December 31, 2010	The present
3	Failure to Report Benchmark	Chemical Oxygen Demand	January 30, 2011	The present
4	Failure to Monitor Benchmark	Total Recoverable Zinc	March 31, 2011	The present
4	Failure to Report Benchmark	Total Recoverable Zinc	April 30, 2011	The present
4	Failure to Monitor Benchmark	Total Recoverable Lead	March 31, 2011	The present
4	Failure to Report Benchmark	Total Recoverable Lead	April 30, 2011	The present
4	Failure to Monitor Benchmark	Total Recoverable Iron	March 31, 2011	The present
4	Failure to Report Benchmark	Total Recoverable Iron	April 30, 2011	The present
4	Failure to Monitor Benchmark	Total Recoverable Copper	March 31, 2011	The present
4	Failure to Report Benchmark	Total Recoverable Copper	April 30, 2011	The present
4	Failure to Monitor Benchmark	Total Recoverable Aluminum	March 31, 2011	The present
4	Failure to Report Benchmark	Total Recoverable Aluminum	April 30, 2011	The present
4	Failure to Monitor Benchmark	Total Suspended Solids	March 31, 2011	The present
4	Failure to Report Benchmark	Total Suspended Solids	April 30, 2011	The present
4	Failure to Monitor Benchmark	Chemical Oxygen Demand	March 31, 2011	The present
4	Failure to Report Benchmark	Chemical Oxygen Demand	April 30, 2011	The present
5	Failure to Monitor Benchmark	Total Recoverable Zinc	June 30, 2011	The present
5	Failure to Report Benchmark	Total Recoverable Zinc	July 30, 2011	The present
5	Failure to Monitor Benchmark	Total Recoverable Lead	June 30, 2011	The present
5	Failure to Report Benchmark	Total Recoverable Lead	July 30, 2011	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
5	Failure to Monitor Benchmark	Total Recoverable Iron	June 30, 2011	The present
5	Failure to Report Benchmark	Total Recoverable Iron	July 30, 2011	The present
5	Failure to Monitor Benchmark	Total Recoverable Copper	June 30, 2011	The present
5	Failure to Report Benchmark	Total Recoverable Copper	July 30, 2011	The present
5	Failure to Monitor Benchmark	Total Recoverable Aluminum	June 30, 2011	The present
5	Failure to Report Benchmark	Total Recoverable Aluminum	July 30, 2011	The present
5	Failure to Monitor Benchmark	Total Suspended Solids	June 30, 2011	The present
5	Failure to Report Benchmark	Total Suspended Solids	July 30, 2011	The present
5	Failure to Monitor Benchmark	Chemical Oxygen Demand	June 30, 2011	The present
5	Failure to Report Benchmark	Chemical Oxygen Demand	July 30, 2011	The present
6	Failure to Monitor Benchmark	Total Recoverable Zinc	September 30, 2011	The present
6	Failure to Report Benchmark	Total Recoverable Zinc	October 30, 2011	The present
6	Failure to Monitor Benchmark	Total Recoverable Lead	September 30, 2011	The present
6	Failure to Report Benchmark	Total Recoverable Lead	October 30, 2011	The present
6	Failure to Monitor Benchmark	Total Recoverable Iron	September 30, 2011	The present
6	Failure to Report Benchmark	Total Recoverable Iron	October 30, 2011	The present
6	Failure to Monitor Benchmark	Total Recoverable Copper	September 30, 2011	The present
6	Failure to Report Benchmark	Total Recoverable Copper	October 30, 2011	The present
6	Failure to Monitor Benchmark	Total Recoverable Aluminum	September 30, 2011	The present
6	Failure to Report Benchmark	Total Recoverable Aluminum	October 30, 2011	The present
6	Failure to Monitor Benchmark	Total Suspended Solids	September 30, 2011	The present
6	Failure to Report Benchmark	Total Suspended Solids	October 30, 2011	The present
6	Failure to Monitor Benchmark	Chemical Oxygen Demand	September 30, 2011	The present
6	Failure to Report Benchmark	Chemical Oxygen Demand	October 30, 2011	The present
7	Failure to Monitor Benchmark	Total Recoverable Zinc	December 31, 2011	The present
7	Failure to Report Benchmark	Total Recoverable Lead	January 30, 2012	The present
7	Failure to Monitor Benchmark	Total Recoverable Lead	January 30, 2012	The present
7	Failure to Report Benchmark	Total Recoverable Iron	December 31, 2011	The present
7	Failure to Monitor Benchmark	Total Recoverable Iron	January 30, 2012	The present
7	Failure to Report Benchmark	Total Recoverable Copper	December 31, 2011	The present
7	Failure to Monitor Benchmark	Total Recoverable Copper	January 30, 2012	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
7	Failure to Monitor Benchmark	Total Recoverable Aluminum	December 31, 2011	The present
7	Failure to Report Benchmark	Total Recoverable Aluminum	January 30, 2012	The present
7	Failure to Monitor Benchmark	Total Suspended Solids	December 31, 2011	The present
7	Failure to Report Benchmark	Total Suspended Solids	January 30, 2012	The present
7	Failure to Monitor Benchmark	Chemical Oxygen Demand	December 31, 2011	The present
7	Failure to Report Benchmark	Chemical Oxygen Demand	January 30, 2012	The present
8	Failure to Monitor Benchmark	Total Recoverable Zinc	March 31, 2012	The present
8	Failure to Report Benchmark	Total Recoverable Zinc	April 30, 2012	The present
8	Failure to Monitor Benchmark	Total Recoverable Lead	March 31, 2012	The present
8	Failure to Report Benchmark	Total Recoverable Lead	April 30, 2012	The present
8	Failure to Monitor Benchmark	Total Recoverable Iron	March 31, 2012	The present
8	Failure to Report Benchmark	Total Recoverable Iron	April 30, 2012	The present
8	Failure to Monitor Benchmark	Total Recoverable Copper	March 31, 2012	The present
8	Failure to Report Benchmark	Total Recoverable Copper	April 30, 2012	The present
8	Failure to Monitor Benchmark	Total Recoverable Aluminum	March 31, 2012	The present
8	Failure to Report Benchmark	Total Recoverable Aluminum	April 30, 2012	The present
8	Failure to Monitor Benchmark	Total Suspended Solids	March 31, 2012	The present
8	Failure to Report Benchmark	Total Suspended Solids	April 30, 2012	The present
8	Failure to Monitor Benchmark	Chemical Oxygen Demand	March 31, 2012	The present
8	Failure to Report Benchmark	Chemical Oxygen Demand	April 30, 2012	The present
9	Failure to Monitor Benchmark	Total Recoverable Zinc	June 30, 2012	The present
9	Failure to Report Benchmark	Total Recoverable Zinc	July 30, 2012	The present
9	Failure to Monitor Benchmark	Total Recoverable Lead	June 30, 2012	The present
9	Failure to Report Benchmark	Total Recoverable Lead	July 30, 2012	The present
9	Failure to Monitor Benchmark	Total Recoverable Iron	June 30, 2012	The present
9	Failure to Report Benchmark	Total Recoverable Iron	July 30, 2012	The present
9	Failure to Monitor Benchmark	Total Recoverable Copper	June 30, 2012	The present
9	Failure to Report Benchmark	Total Recoverable Copper	July 30, 2012	The present
9	Failure to Monitor Benchmark	Total Recoverable Aluminum	June 30, 2012	The present
9	Failure to Report Benchmark	Total Recoverable Aluminum	July 30, 2012	The present
9	Failure to Monitor Benchmark	Total Suspended Solids	June 30, 2012	The present
9	Failure to Report Benchmark	Total Suspended Solids	July 30, 2012	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
9	Failure to Monitor Benchmark	Chemical Oxygen Demand	June 30, 2012	The present
9	Failure to Report Benchmark	Chemical Oxygen Demand	July 30, 2012	The present
10	Failure to Monitor Benchmark	Total Recoverable Zinc	September 30, 2012	The present
10	Failure to Report Benchmark	Total Recoverable Zinc	October 30, 2012	The present
10	Failure to Monitor Benchmark	Total Recoverable Lead	September 30, 2012	The present
10	Failure to Report Benchmark	Total Recoverable Lead	October 30, 2012	The present
10	Failure to Monitor Benchmark	Total Recoverable Iron	September 30, 2012	The present
10	Failure to Report Benchmark	Total Recoverable Iron	October 30, 2012	The present
10	Failure to Monitor Benchmark	Total Recoverable Copper	September 30, 2012	The present
10	Failure to Report Benchmark	Total Recoverable Copper	October 30, 2012	The present
10	Failure to Monitor Benchmark	Total Recoverable Aluminum	September 30, 2012	The present
10	Failure to Report Benchmark	Total Recoverable Aluminum	October 30, 2012	The present
10	Failure to Monitor Benchmark	Total Suspended Solids	September 30, 2012	The present
10	Failure to Report Benchmark	Total Suspended Solids	October 30, 2012	The present
10	Failure to Monitor Benchmark	Chemical Oxygen Demand	September 30, 2012	The present
10	Failure to Report Benchmark	Chemical Oxygen Demand	October 30, 2012	The present
11	Failure to Monitor Benchmark	Total Recoverable Zinc	December 31, 2012	The present
11	Failure to Report Benchmark	Total Recoverable Zinc	January 30, 2013	The present
11	Failure to Monitor Benchmark	Total Recoverable Lead	December 31, 2012	The present
11	Failure to Report Benchmark	Total Recoverable Lead	January 30, 2013	The present
11	Failure to Monitor Benchmark	Total Recoverable Iron	December 31, 2012	The present
11	Failure to Report Benchmark	Total Recoverable Iron	January 30, 2013	The present
11	Failure to Monitor Benchmark	Total Recoverable Copper	December 31, 2012	The present
11	Failure to Report Benchmark	Total Recoverable Copper	January 30, 2013	The present
11	Failure to Monitor Benchmark	Total Recoverable Aluminum	December 31, 2012	The present
11	Failure to Report Benchmark	Total Recoverable Aluminum	January 30, 2013	The present
11	Failure to Monitor Benchmark	Total Suspended Solids	December 31, 2012	The present
11	Failure to Report Benchmark	Total Suspended Solids	January 30, 2013	The present
11	Failure to Monitor Benchmark	Chemical Oxygen Demand	December 31, 2012	The present
11	Failure to Report Benchmark	Chemical Oxygen Demand	January 30, 2013	The present
12	Failure to Monitor Benchmark	Total Recoverable Zinc	March 31, 2013	The present
12	Failure to Report Benchmark	Total Recoverable Zinc	April 30, 2013	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
12	Failure to Monitor Benchmark	Total Recoverable Lead	March 31, 2013	The present
12	Failure to Report Benchmark	Total Recoverable Lead	April 30, 2013	The present
12	Failure to Monitor Benchmark	Total Recoverable Iron	March 31, 2013	The present
12	Failure to Report Benchmark	Total Recoverable Iron	April 30, 2013	The present
12	Failure to Monitor Benchmark	Total Recoverable Copper	March 31, 2013	The present
12	Failure to Report Benchmark	Total Recoverable Copper	April 30, 2013	The present
12	Failure to Monitor Benchmark	Total Recoverable Aluminum	March 31, 2013	The present
12	Failure to Report Benchmark	Total Recoverable Aluminum	April 30, 2013	The present
12	Failure to Monitor Benchmark	Total Suspended Solids	March 31, 2013	The present
12	Failure to Report Benchmark	Total Suspended Solids	April 30, 2013	The present
12	Failure to Monitor Benchmark	Chemical Oxygen Demand	March 31, 2013	The present
12	Failure to Report Benchmark	Chemical Oxygen Demand	April 30, 2013	The present
13	Failure to Monitor Benchmark	Total Recoverable Zinc	June 30, 2013	The present
13	Failure to Report Benchmark	Total Recoverable Zinc	July 30, 2013	The present
13	Failure to Monitor Benchmark	Total Recoverable Lead	June 30, 2013	The present
13	Failure to Report Benchmark	Total Recoverable Lead	July 30, 2013	The present
13	Failure to Monitor Benchmark	Total Recoverable Iron	June 30, 2013	The present
13	Failure to Report Benchmark	Total Recoverable Iron	July 30, 2013	The present
13	Failure to Monitor Benchmark	Total Recoverable Copper	June 30, 2013	The present
13	Failure to Report Benchmark	Total Recoverable Copper	July 30, 2013	The present
13	Failure to Monitor Benchmark	Total Recoverable Aluminum	June 30, 2013	The present
13	Failure to Report Benchmark	Total Recoverable Aluminum	July 30, 2013	The present
13	Failure to Monitor Benchmark	Total Suspended Solids	June 30, 2013	The present
13	Failure to Report Benchmark	Total Suspended Solids	July 30, 2013	The present
13	Failure to Monitor Benchmark	Chemical Oxygen Demand	June 30, 2013	The present
13	Failure to Report Benchmark	Chemical Oxygen Demand	July 30, 2013	The present
14	Failure to Monitor Benchmark	Total Recoverable Zinc	September 30, 2013	The present
14	Failure to Report Benchmark	Total Recoverable Zinc	October 30, 2013	The present
14	Failure to Monitor Benchmark	Total Recoverable Lead	September 30, 2013	The present
14	Failure to Report Benchmark	Total Recoverable Lead	October 30, 2013	The present
14	Failure to Monitor Benchmark	Total Recoverable Iron	September 30, 2013	The present
14	Failure to Report Benchmark	Total Recoverable Iron	October 30, 2013	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
14	Failure to Monitor Benchmark	Total Recoverable Copper	September 30, 2013	The present
14	Failure to Report Benchmark	Total Recoverable Copper	October 30, 2013	The present
14	Failure to Monitor Benchmark	Total Recoverable Aluminum	September 30, 2013	The present
14	Failure to Report Benchmark	Total Recoverable Aluminum	October 30, 2013	The present
14	Failure to Monitor Benchmark	Total Suspended Solids	September 30, 2013	The present
14	Failure to Report Benchmark	Total Suspended Solids	October 30, 2013	The present
14	Failure to Monitor Benchmark	Chemical Oxygen Demand	September 30, 2013	The present
14	Failure to Report Benchmark	Chemical Oxygen Demand	October 30, 2013	The present
Permit Year 1	Failure to Conduct and Document Required Inspections		September 29, 2009	The present
Permit Year 1	Failure to Submit Annual Report		November 13, 2009	The present
Permit Year 2	Failure to Conduct and Document Required Inspections		September 29, 2010	The present
Permit Year 2	Failure to Submit Annual Report		November 13, 2010	The present
Permit Year 3	Failure to Conduct and Document Required Inspections		September 29, 2011	The present
Permit Year 3	Failure to Submit Annual Report		November 13, 2011	The present
Permit Year 4	Failure to Conduct and Document Required Inspections		September 29, 2012	The present
Permit Year 4	Failure to Submit Annual Report		November 13, 2012	The present
Permit Year 5	Failure to Conduct and Document Required Inspections		September 29, 2013	The present
Permit Year 5	Failure to Submit Annual Report		November 13, 2013	The present
	Failure to Ensure That Control Measures Minimize Pollutant Discharges		February 23, 2010	The present
	Failure to Monitor Impairment Pollutants	TSS, E Coli	February 23, 2011	The present

**EXHIBIT B**

**DAYS BETWEEN  
FEBRUARY 23, 2010 AND DECEMBER 31, 2013  
ON WHICH STORMWATER FROM FACILITY  
DISCHARGED TO WATERS OF THE UNITED STATES**

February 2010:	23, 24, 25, 26
March 2010:	13, 14, 15, 22, 23, 26, 28, 29, 30, 31
April 2010:	9, 16, 26
May 2010:	8, 12, 14, 18, 26, 29
June 2010:	1, 2, 4, 5, 6, 9, 10, 12, 24
July 2010:	10, 11, 23, 24, 29
August 2010:	5, 9, 10, 15, 16, 22
September 2010:	14, 17, 28, 30
October 2010:	1, 2, 6, 7, 15, 16, 27, 28
November 2010:	5, 8, 17, 26
December 2010:	2, 13, 14, 27
January 2011:	12, 13, 18, 19, 21, 27
February 2011:	2, 3, 6, 8, 21, 25, 26, 27
March 2011:	1, 7, 11, 12, 17, 22
April 2011:	1, 5, 6, 13, 14, 17, 20, 24, 29
May 2011:	5, 8, 16, 17, 18, 19, 24
June 2011:	2, 10, 11, 12, 14, 15, 16, 18, 23, 24, 26, 29
July 2011:	4, 8, 9, 26, 27
August 2011:	7, 10, 15, 16, 22, 25, 26, 28, 29
September 2011:	6, 7, 8, 16, 21, 22, 23, 24, 29, 30
October 2011:	1, 2, 4, 5, 13, 14, 15, 20, 27, 28, 30
November 2011:	11, 17, 23, 30
December 2011:	7, 8, 22, 23, 28
January 2012:	1, 2, 12, 13, 19, 20, 23, 24, 27, 28
February 2012:	17, 25
March 2012:	1, 3, 13
April 2012:	2, 22, 23
May 2012:	2, 3, 9, 10, 15, 16, 30
June 2012:	2, 3, 4, 5, 13, 14, 24, 26
July 2012:	4, 24, 28
August 2012:	5, 10, 15, 16, 18, 28
September 2012:	4, 5, 8, 18, 22, 28
October 2012:	2, 4, 10, 14, 15, 19, 29, 30
November 2012:	13
December 2012:	8, 9, 10, 17, 18, 20, 21, 27
January 2013:	11, 16, 28, 29, 31
February 2013:	8, 9, 11, 19, 27

March 2013:	12, 18, 19, 31
April 2013:	10, 11, 12, 19, 20
May 2013:	8, 11, 19, 22, 23, 24, 25, 29
June 2013:	2, 3, 6, 7, 8, 10, 11, 13, 14, 17, 18, 25, 27, 28
July 2013:	1, 8, 10, 22, 23, 26
August 2013:	1, 2, 9, 13, 26, 27
September 2013:	1, 2, 12, 22
October 2013:	4, 6, 7, 31
November 2013:	18, 26, 27
December 2013:	6, 9, 14, 17, 23, 29